



CITY OF  
*Lincoln*  
COUNCIL

## Directorate for Communities & Environment

# Health & Environment Enforcement Policy 2019 - 2024

**Effective Date: 12 November 2019**

**Signed:** 

**Assistant Director – Health & Environment**



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## Introduction

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The City of Lincoln Council's Health & Environment services are responsible for protecting people's health, safety and wellbeing as well as the environment and amenities. Our regulatory focus, through its various compliance and consenting activities and functions, is based around four central principles:

- We will ensure that we enforce the law in a fair, equitable and consistent manner
- We will work to assist businesses and others in meeting their legal obligations
- Our focus will be on prevention rather than cure, where appropriate
- We will take action against those who breach the law or act irresponsibly

This policy applies to the functions carried out by the following services:-

- Environmental Health – Food Safety, Health & Safety, Pollution Control and Private Sector Housing
- Licensing
- Anti-social behaviour & Public Protection

## A. Principles of Good Regulation

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The Legislative and Regulatory Reform Act 2006, Part 2, requires the City of Lincoln Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function.

We will exercise our regulatory activities in a way which is:

- (i) **Proportionate** – the Regulators' Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The Public Interest Stage contained in the Code for Crown Prosecutors will always be considered when determining whether it is right to prosecute. Council activities will reflect the impact of the offending on those living in, working in and visiting the city and enforcement action taken will relate to the seriousness of the offence.
- (ii) **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- (iii) **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner.
- (iv) **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (iv) **Targeted** – we will focus our resources on higher risk businesses and activities, reflecting local need and national priorities and intelligence.

## B. Regulator's Code

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The Regulators' Code has been a central part of the Governments' better regulation principles for some time now. Its aim is to embed a risk based, proportionate and targeted approach to regulatory inspection and enforcement.

The Council have had regard to the Regulators' Code in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant, is outweighed by another provision or does not legally apply to some aspects of regulatory activity. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented. The Regulators' Code can be accessed at:

<https://www.gov.uk/government/publications/regulators-code>

## C. The Code for Crown Prosecutors

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When deciding whether to prosecute the Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document ([The Code for Crown Prosecutors](#)) and it sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- (a) **Evidential Test** - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, each Authority will consider what evidence can be used in court and is reliable. They must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender for each offence.

- (b) **Public Interest Test** - is it in the public interest for the case to be brought to court?

We will balance factors for and against prosecution carefully and fairly, considering each case on its merits. Before deciding that prosecution is appropriate we will consider the matters which, in the opinion of the City of Lincoln Council, are relevant and will have regard to the public interest. Our decision will reflect the impact of the offending on those living and working in the City.

## D. Regulatory Enforcement & Sanctions Act 2008

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The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority,

and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

## **E. Conduct of Investigations**

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All investigations will be carried out under the following legislation and in accordance with statutory powers and controls and any associated guidance or codes of practice, in so far as they relate to the Council:

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Criminal Justice and Police Act 2001
- Human Rights Act 1998
- The Protection of Freedoms Act 2012 (Code of Practice for Powers of Entry and Description of Relevant Persons) Order 2015
- Data Protection Act 2018
- Equalities Act 2008
- Consumer Rights Act 2015
- Any other relevant legislation that may be in force

Council authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice, such as, Food Standards Agency Code of Practice and practice guidance, HSE enforcement management model and the Housing Health and Safety Rating System Enforcement Guidance. The Council will where necessary produce in-house procedures and guidance to assist officers in making consistent enforcement decisions.

Subject to the needs of an investigation, officers will notify the individuals or business they are subject to an investigation as soon as is reasonably practicable. The Council will endeavour to make timely decisions about the progress of the investigation and decisions on the most appropriate action. The person or business subject to any investigation will be informed of the outcome.

The Council works in partnership and will share data with organisations in accordance with data protection legislation for the purpose of protecting safety, for the prevention and detection of crime and anti-social behaviour, problem solving and preventing harm to health. Where it is appropriate and the right action to take the Council will share and receive information from organisations including but not limited to:-

- Police
- Social care
- Health service

- HMRC
- Revenue benefits
- Fire Service
- Health & Safety Executive
- Food Standards Agency
- Environment Agency

Regard will always be had to the requirements of Data Protection legislation and Annex 2 sets out the Data Protection Statement relevant to this policy.

The Council cannot enforce against themselves however, breaches of legislation found in premises owned or run by the Council will be treated in the spirit of this policy as would a breach in other premises. Details of the breach will be brought to the attention of the Chief Executive, appropriate Director, Assistant Director and City Solicitor.

## **F. Enforcement Sanctions**

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In ensuring that the main objective of enforcement action is achieved, the Council will consider all appropriate enforcement actions available to it, having regard to:-

- whether a statutory standard has not been achieved
- whether an offence has been committed
- whether the offence has caused harm or is likely to cause harm
- the seriousness of the offence
- the history of the activity
- confidence in achieving compliance
- consequences of non-compliance
- the likely effectiveness of the various enforcement options
- the existence of any guidance in the form of Codes of Practice, Government Circulars etc.

Appropriate enforcement action that can be taken includes but is not limited to:-

### **i. NO ACTION**

There may be cases where contraventions of the law and findings from an inspection or investigation may not warrant any further legal action. Reasons for taking no action are considered on a case by case basis. Any details recorded about non-compliance may be used as a basis for judgement on future enforcement action.

### **ii. COMPLIANCE ADVICE, GUIDANCE AND SUPPORT**

The Council use compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified.

Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need

for further enforcement action. A warning letter (sometimes called an ‘informal notice’) will set out what should be done to rectify the breach and to prevent re-occurrence. We will always make it clear what is a legal requirement and what is a recommendation of best practice. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council will have regard to whether a business belongs to and complies with any voluntary accreditation scheme when deciding an appropriate enforcement response.

The Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution, imposing a civil penalty or prosecution, is taken, the Council recognises that there is likely to be an on-going need for compliance advice and support, to prevent further breaches.

### **iii. VOLUNTARY UNDERTAKINGS**

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

### **iv. STATUTORY (LEGAL) NOTICES**

In respect of many breaches the Council have powers to issue statutory notices. Examples of these include but are not limited to: ‘Stop Notices’, ‘Prohibition Notices’, ‘Emergency Prohibition Notices’, and ‘Improvement Notices’. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or, where appropriate, the carrying out of works in default, the costs of which may be recovered at a later date.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be completed. It is likely to require that any breach or non-compliance is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient at the time of serving the statutory notice.

In the event of non-compliance, and in appropriate cases, costs associated with works in default may be recovered by registering as a local land charge on the property.



## **v. DETENTION AND SEIZURE OF GOODS/EQUIPMENT**

Certain legislation enables authorised officers to detain and seize goods, equipment or documents. Examples of when this may take place include where there is unsafe food; unsafe goods likely to cause an imminent serious health and safety issue; sound equipment that is being used to cause a statutory nuisance; evidence that is for possible future court proceedings.

## **vi. FIXED PENALTY NOTICES (FPN)**

The Council have powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach. If a fixed penalty is paid in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is considered more appropriate than the issue of a fixed penalty notice.

## **vii. CIVIL PENALTIES**

Section 126 and Schedule 9 of the Housing and Planning Act 2016 enables the Council to impose a civil penalty of up to £30,000 per offence as an alternative to prosecution for specific offences under the Housing Act 2004.

The overriding principle when considering civil penalties is that the person on whom the civil penalty has been issued should not make any financial gain as a result of their failure to comply with the relevant legislation.

Civil penalties may be imposed on the owner, person having control, or the licence holder of a property, as appropriate. The Council considers that the most likely recipients of civil penalty notices will be those persons who are involved in the owning or managing of private rented properties. However, the Council does have the power to impose them on tenants of Houses in Multiple Occupation for offences under section 234 of the Housing Act 2004, and will consider doing so where it is deemed appropriate.

A civil penalty can be considered as an alternative to prosecution for any of the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of HMOs (section 72);
- Offences in relation to the licensing of houses under Part 3 of the Act (section 95);
- Contravention of an overcrowding notice (section 139);
- Failure to comply with the management regulations in respect of HMOs (section 234).

The Council will consider civil penalties for all landlords that are in breach of one or more of the sections of the Housing Act 2004 listed above. Enforcement action will be considered on a case-by-case basis.

Where a person has committed multiple offences, and a civil penalty could be imposed for each one, the Council will consider as to whether it is just and proportionate to impose a penalty for each offence. Deciding not to impose a civil penalty for some of the offences does not mean that other appropriate enforcement sanctions, as listed in this policy, cannot be pursued for those offences.

Prior to imposing a civil penalty, the Council will serve a notice of intent and this will give the recipient an opportunity to make representations against the proposed civil penalty.

Where a person or company fails to pay the civil penalty, the Council will refer the case to County Court for an Order of that Court. If necessary, county court bailiffs will be instructed to enforce the order and recover the debt as set out in the statutory guidance.

Civil penalty payments will be retained by the Council provided that it is used to further the Council's statutory function in relation to their enforcement actions covering the private rented sector as specified in the regulations.

Any decision to impose a civil penalty will be approved by the Assistant Director – Health & Environment.

The Council's Civil Penalties Procedure & Guidance provides further detail on how the penalties are calculated.

#### **viii. PENALTY CHARGE NOTICES – Statement of Principles**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 allows for the issuing of penalty charge notices. Private sector landlords are to:-

- Install at least one smoke alarm on every storey of their property
- Install a carbon monoxide alarm in any room containing a solid fuel burning appliance
- Check that these alarms are in working order on the day a new tenancy begins.

When setting the penalty charge, the Council's considered the following factors.

1. The financial penalty for the breach should act as a deterrent for the future.
2. Before any penalty charge is made, the landlord is given the opportunity to do the work through the service of a remedial notice.
3. The likely impact on tenants and associated risk to their health, safety and wellbeing.
4. The cost of the Council of undertaking works in default.
5. First or repeat breaches.
6. Officer time and costs to investigate and serve remedial notice and penalty charge notice.
7. Administrative costs in organising works in default.

The maximum penalty that can be charged is £5,000. The penalty should be a deterrent as the remedy is relatively simple and low cost but the risks associated with non-compliance are high, the penalty has been set at £5,000 with a reduction to £2,500 for the first breach if the penalty charge is paid within 14 days, repeat breaches will be £5,000 with no discount for early payment.

#### **ix. BANNING ORDERS**

Where a landlord has been successfully prosecuted for a banning order offence, the Council can apply to the First-Tier Tribunal (Property Chamber) for a banning order against the landlord. A banning order will last for at least 12 months and means that the subject of the order cannot:

- Let housing in England;
- Engage in English letting agency work;
- Engage in English property management work;
- Hold a license under Part 2 or Part 3 of the Housing Act 2004.

“Banning order offence” refers to an offence of a description specified in regulations made by the Secretary of State.

#### **x. RENT REPAYMENT ORDERS**

Where housing benefit has been paid to a landlord and the Council is satisfied that the landlord has committed one or more specific offences, the Council can apply for a Rent Repayment Order. Where the landlord is convicted of one of the relevant offences, the Council is under a duty to consider applying for a Rent Repayment Order. The specific offences for which an order can be sought are as follows:

- Failure to comply with an Improvement Notice (Housing Act 2004, Section 30)
- Failure to comply with a Prohibition Order (Housing Act 2004, Section 32)
- Offences in relation to licensing of HMO’s (Housing Act 2004, Section 72)
- Offences in relation to licensing of houses under Part 3 of the Act (Housing Act 2004, Section 95)
- Breach of a Banning Order (Housing and Planning Act 2016, Section 21)
- Using violence to secure entry to a property (Criminal Law Act 1977, Section 6)
- Illegal eviction or harassment of the occupiers (Protection from Eviction Act 1977, Section 1)

The Council will usually apply for the full amount that can be recovered and lesser amounts will only be sought in exceptional circumstances.

#### **xi. INTERIM OR FINAL MANAGEMENT ORDERS**

The Council is under a duty to apply for an interim management order where a property requires a licence, or will after the current one is revoked, but there is no reasonable prospect of it becoming licenced or there are significant health and safety concerns at the property. An interim management order can be made for up to 12 months. Where an interim management order is coming to an end and the criteria for applying for the order still apply, the Council can apply for a final management order, which can be made for up to 5 years.

Whilst a management order is in place, the Council, or an agent appointed by the Council, will be responsible for managing the property and carrying out any works that are required. The Council will receive the rental income and deduct any relevant expenditure from this amount before transferring the excess, if any remains, to the landlord.

#### **xii. INJUNCTIVE ACTIONS, ENFORCEMENT ORDERS etc.**

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

The Council are required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

#### **xiii. SIMPLE CAUTION**

The Council have the power to issue simple cautions as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will consider prosecution. Any decision to offer a simple caution will take into account the criteria set down in the Code for Crown Prosecutors and approved by the Assistant Director – Health & Environment and in consultation with the Council's legal services.

A simple caution will appear on the offender's criminal record. It is likely to influence how the Council deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

#### **xiv. PROSECUTION**

Where the circumstances warrant it and the alternative actions detailed previously in this policy are considered inappropriate, then prosecution may result. Any decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors and approved by the Assistant Director – Health & Environment and in consultation with the Council's legal services.

The Council may prosecute without prior warning or recourse to alternative sanctions where the circumstances warrant it and the evidence to support the case is available.

Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s). Due consideration will be given to the availability and compliance with any relevant statutory defence.

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the public interest and, where appropriate, the views of any victim, injured party or other relevant person or impact on the community.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any assets or profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

#### **xv. REFUSAL/SUSPENSION/REVOCAION OF LICENCES**

The Council issue a number of licences and permits for a number of different activities and enterprises, from licences for Houses in Multiple Occupation to Premises Licences for pubs and restaurants to licences for taxi drivers. The Council is under a statutory duty to ensure that the applicants for and holders of such licences are fit and proper persons. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Licences can be revoked where any term of the licence has been breached or where other offences have been committed which mean that the persons involved are no longer fit and proper persons for licensing. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment. A review of a licence may be considered in addition to or as an alternative to any other action.

When considering future licence applications, the Council may take previous breaches and enforcement action into account.

The council will have regard to its own policies and schemes when determining whether to grant, refuse, suspend, revoke or vary a licence. These include, the Scheme for Mandatory Licensing of Houses in Multiple Occupation can be viewed using this link <https://www.lincoln.gov.uk/housing/landlords/houses-in-multiple-occupation-hmos/> and the Statement of Licencing Policy – Licencing Act 2003, Gambling policy, Sex

Establishment Licensing Policy and Private Hire & Hackney Carriage Licencing Policy which can be viewed using this link <https://www.lincoln.gov.uk/your-council/policies-publications-and-information/licensing-policies-and-publications/>

xvi. **OTHER ENFORCEMENT OPTIONS**

The above listed options 'i – xv' are not an exhaustive list and there may be other options available dependent upon the legislation being used that whilst the legislation itself is statutory some of the available enforcement options contained therein may be civil actions.

## **G. Charging for enforcement activity**

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The following activities the Council can recover costs:

- (a) Works in default
- (b) Housing Act 2004 - a charge for Notices served and Orders made under Part 1 of the Act the amount if set is part of the Council's fees and charges and is subject to annual review. Under section 49 of the Act a charging notice can be served on the responsible party. If there is an appeal against the notice then the charge will not be applied until the appeal is resolved and subject to the notice being confirmed by the tribunal. There is no right of appeal against a charging notice; only to the notice or order to which the charge relates.
- (c) Legal fees –incurred as a result of a prosecution.

## **H. Media Publicity**

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Media coverage will normally be sought in the following cases:

- The offence is widespread in the area and coverage will assist in securing compliance by others;
- To draw attention to particular issue or set of hazards;
- The offence is serious and/or was committed wilfully and the Council wishes to draw attention to their willingness to take a hard line in such cases;
- Coverage is otherwise in the public interest;
- A press release will be issued about convictions where it is considered that publicity will bring in benefits by promoting compliance with those statutory requirements designed to protect the health, safety and welfare of customers, residents, workers and visitors, as well as the wider environment.

## **I. Appeals**

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Where any enforcement action is conducted under legislation which contains a specific appeals procedure, you will always be advised of that procedure at the required time.

## **J. Complaints**

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Should you have any concerns or complaints about the actions of any authorised officers then these should be made in the first instance to the manager of the service or team in question. A response to the complaint would be expected within 10 working days; if we are unable to respond within 10 working days we will respond and let you know when you can expect a response. If this does not resolve the complaint the Council also has a formal complaints procedure which is published on the Council's website at <https://www.lincoln.gov.uk/lincoln/make-a-formal-complaint/>

## **K. Monitoring and Review**

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Investigating Officers will have regard to this policy when considering enforcement actions and when consulting with the Service manager, when seeking approval from the Assistant Director and consultation with legal services team of the Council. Where appropriate the Council will monitor compliance against this policy. This policy will be reviewed at least every 5 years and any supporting procedures or guidance for Officers will be regularly reviewed.

## **ANNEX 1 – List of Legislation**

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This list is not exhaustive but does list legislation which are relevant to this Enforcement Policy:-

Animal Boarding Establishments Act 1963  
Animal Health Act 1951  
Animal Welfare Act 2006  
Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018  
Antisocial Behaviour Act 2003  
Antisocial Behaviour, Crime and Policing Act 2014  
Breeding of Dogs Act 1973  
Building Act 1984  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Dogs Order 1992  
Control of Horses Act 2015  
Control of Pollution Act 1974  
Criminal Justice and Police Act 2001  
Criminal Justice and Public Order Act 1994  
Crime Justice and Public Order Act 1994  
Criminal Law Act 1977  
Dangerous Dogs Act 1991 (as amended)  
Dangerous Wild Animals Act 1976 (as amended)  
Dogs Act 1871  
Dogs Fouling of Land Act 1996  
Environment Act 1995  
Environmental Protection Act 1990  
Factories Act 1961  
Food Safety and Hygiene (England) Regulations 2013  
Food & Environmental Protection Act 1985  
Food Safety Act 1990  
Gambling Act 2005  
Guard Dogs Act 1975  
Health Act 2006  
Health & Safety at Work etc. Act 1974  
Housing Act 1957, 1985 and 1996  
Housing Act 2004  
Housing and Planning Act 2016  
Housing (Grants, Construction and Regeneration) Act 1969  
Hypnotism Act 1952  
Licensing Act 2003  
Lincoln City Council Act 1985  
Local Government Act 1972  
Local Government (Miscellaneous Provisions) Act 1976 and 1982  
National Assistance Act 1948 & 1951



Noise and Statutory Nuisance Act 1993  
Noise Act 1996  
Offices, Shops & Railway Premises Act 1963  
Pet Animals Act 1951  
Police Factories etc. (Miscellaneous Provisions) Act 1916  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Protection from Eviction Act 1977  
Public Health Act 1936 and 1961  
Public Health (Control of Disease) Act 1984  
Rag, Flock and other Filling Materials Act 1951  
Refuse Disposal (Amenity) Act 1978  
Riding Establishments Act 1964 and 1970  
Road Traffic Act 1988 and 1991  
Scrap Metal Dealers Act 2013  
Smoke Alarm and Carbon Monoxide Alarm Regulations 2015  
Sunday Trading Act 1994  
Town Police Clauses Act 1847 and 1889  
The House to House Collections Act 1939  
The Management of Houses in Multiple Occupation (England) Regulations 2006  
The Microchipping of Dogs (England) Regulations 2015  
The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007  
The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974  
The Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012  
Town and Country Planning Act 1990 s215, 219, 224 and 225  
The Enterprise and Regulatory Reform Act 2013, s83,84 and 85  
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a scheme etc.) (England) Order 2014  
Transport Act 1980 and 1985  
Water Industry Act 1991 and 1999  
Zoo Licencing Act 1981

## **Annex 2 – Data Protection Statement**

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The Council, the data controller takes its responsibilities seriously under the Data Protection Act 2018 and General Data Protection Regulations to ensure that any personal data it collects and uses is done so fairly, lawfully, proportionately, correctly and safely.

For information about what is, personal data please see the Information Commissioner's Office website: [What is personal data](#)

The privacy notices available below are those which relate to this Health & Environment enforcement policy and describes what data will be collected, how it is used, retained and disclosed. The personal data provided will not be retained for longer than necessary and within each privacy notice the data retention schedule can be viewed.

The Environmental Health privacy notice can be viewed using this link - [Environmental Health privacy notice](#)

The Public Protection and Anti-Social Behaviour privacy notice can be viewed using this link - [Public Protection and Anti-Social Behaviour privacy notice](#)

The Licensing privacy notice can be viewed using this link - [Licensing privacy notice](#)

## **Annex 3 - Equality and Access Statement**

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All of our customers are treated equally under this regulatory and enforcement policy.

However, City of Lincoln Council is committed to equality of opportunity for all taking into account the differences of race, gender, gender identity, religion, belief, sexual orientation, age, disability, pregnancy and maternity and marriage and civil partnership, and should an individual case indicate a potential additional impact because of one of these characteristics we will take this into account when applying the policy.

The organisation will uphold the human rights of all of its staff and service users in accordance with the Human Rights Act 1998.

In all of our regulatory and enforcement activities we will ensure we adhere to the Council's Equality, Diversity and Human Rights Policy which can be viewed using this link <https://www.lincoln.gov.uk/your-council/equality-and-diversity/> and we will work to ensure that information and services are accessible. We will work to reduce the barriers people may face, for example due to disability or language by arranging appropriate translation, interpretation or transcription materials or equipment where appropriate or necessary.

~END~